

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN DOE # 1, an individual; JOHN
DOE # 2, an individual; and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of Washington; and
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of Washington,

Defendants.

NO. 09-cv-5456-BHS

DECLARATION OF
OFFICER ANDREW MEHL
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

I, Andrew Mehl, declare as follows:

1. I am over eighteen years of age and competent to testify. I have been employed by the Edmonds Police Department for three and a half years.

2. In my capacity as an Edmonds Police Officer, I have personal knowledge of the following information.

3. Attached to this Declaration as Exhibit A is a true scanned copy of a Snohomish County Incident Report, Edmonds Police Department, regarding REDACTED and her son

1 REDACTED, which I prepared; a follow-up report written by Officer Michael Drinkwine; a
2 supplemental report which I prepared; an incident statement form signed by REDACTED
3 which I witnessed; and an incident statement form signed by REDACTED which I
4 witnessed. The information contained in the original reports and incident statements is
5 identical to the scanned copy.
6

7 4. I declare under penalty of perjury under the laws of the state of Washington that the
8 foregoing is true and correct and of my own knowledge, and that I executed this declaration at
9 Edmonds, Washington, in the County of Snohomish, this 26th day of June, 2011.
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12 Officer Andrew Mehl
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EXHIBIT A

Snohomish County Incident Report

Edmonds Police Department

 Case Number
09-3179

Incident Classification 1 THREATS		<input type="checkbox"/> Attempted		Offense Code		Incident Classification 2		<input type="checkbox"/> Attempted		Offense Code	
Incident Classification 3		<input type="checkbox"/> Attempted		Offense Code		Type of Report					
Address/Location of Incident REDACTED Edmonds, WA 98020						Premise Type/Name Two/More Story House			Code 02		
Officer Assault/Safety		Responding To		Type of Assignment		<input type="checkbox"/> Force <input type="checkbox"/> No Force		Reporting Area E039		Beat E1	
Occurred on or From (Date/Time/DOW) 08/23/2009 18:00 Sunday				Occurred To (Date/Time/DOW)				Reported On (Date/Time/DOW) 08/23/2009 18:18 Sunday			
No. V-1		Non-Disc. <input type="checkbox"/>		Name (Last, First, Middle) REDACTED				Race W		Ethnicity Non-Hispanic	
DOB/Age 02/11/1966 43		Height 5'02"		Weight 125		Hair Brown		Eyes Blue		Residential Status Full Time Resident	
Street Address REDACTED Edmonds, WA 98020						Residence Phone (425) REDACTED			Business Phone (206) REDACTED		
Social Security No.		Driver's License REDACTED		State WA		Employer/School					
No. V-2		Non-Disc. <input type="checkbox"/>		Name (Last, First, Middle) REDACTED				Race W		Ethnicity Non-Hispanic	
DOB/Age 08/27/1995 13		Height 4'08"		Weight 100		Hair Blond		Eyes Unknown		Residential Status Full Time Resident	
Street Address REDACTED Edmonds, WA 98020						Residence Phone (425) REDACTED			Business Phone		

SYNOPSIS: DEATH THREAT OVER PHONE. NO SUSPECT INFORMATION.

On 08-23-09 at approximately 1858 hours I was dispatched to REDACTED regarding a threats report. I arrived and contacted V-1 / REDACTED. She told me that someone had called her home phone number. Her son V-2 / REDACTED answered the phone. A male with a high pitched voice asked for REDACTED by name. REDACTED's grandmother also picked up another phone about the same time he did. REDACTED called for REDACTED and put the phone back up to his ear. Upon doing so the male said "I am going to kill you and your family", and then hung up.

REDACTED said he didn't recognize the voice and there was no caller ID on the phone. REDACTED and REDACTED did not feel like they were in immediate danger but the incident made them nervous about their safety. REDACTED told me that she is running for a position in the REDACTED. There was an article in REDACTED about her opposition to gay marriage and referendum 71. She believed it may have been someone who disagrees with her about gay marriage.

REDACTED is holding a rally at the REDACTED on 08-24-09 at 1800 hours. She estimated that there would be approximately 200 people there. I advised her I would do extra patrols of her house and advise the other patrol squads. REDACTED and REDACTED both completed written statements. I provided REDACTED a business card with the case number of this report.

LG 21 COPY/MEMO ENT at QC SC 24

Officer Name/Number Mehl, Andrew #2601				Unit 2E1		Approved By Number				Date	
Clearance <input type="checkbox"/> Arr/A <input type="checkbox"/> Arr/J <input type="checkbox"/> Insuff/Closed		Unfounded <input type="checkbox"/> Excl/A <input type="checkbox"/> Excl/J <input type="checkbox"/> Closed/Other		Distribution <input type="checkbox"/> PA <input type="checkbox"/> ADMIN		DOC <input type="checkbox"/> CPS <input type="checkbox"/> DSHS		HD <input type="checkbox"/> JUV <input type="checkbox"/> MH		TRAF <input type="checkbox"/> OET <input type="checkbox"/> PAT	
PROACT <input type="checkbox"/> Court <input type="checkbox"/> Other		Logged Date / Initials									
Entered RMS				Entered WAC/NCIC				Entered WAC/NCIC			
Date		Initials		Date		Initials		Date		Initials	

Edmonds Police Department Follow-Up Report

Edmonds Police Department

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Case Number
09-3179

Incident Classification THREATS		Name of Original Victim(s)	
Report Date 8/24/2009	Original Case Report Date 08/23/2009	Reclassify To	
Connecting Case Numbers		Incident Involved	

Follow up 082409

I called V-1, ^{REDACTED} to inquire as to whether or not anyone had tried to do call tracing on the incoming call yesterday. V-1, ^{REDACTED} said that they had not as they were not familiar with the service. I provided her with instructions for doing so should she get more suspicious/threatening calls.

I also advised her to call if she had any other suspicious activity surrounding her and her family (hang up calls, other out of the ordinary happenings etc.).

M. A. Drinkwine 1008

Officer Name/Number Drinkwine, Michael #1008		Unit	Approved By Number <i>[Signature]</i>	Date 8-24-09
Clearance <input type="checkbox"/> Att/A <input type="checkbox"/> Att/J <input type="checkbox"/> Insuff/Closed	<input type="checkbox"/> Unfounded <input type="checkbox"/> Excl/A <input type="checkbox"/> Excl/J <input type="checkbox"/> Closed/Other	Distribution <input type="checkbox"/> PA <input type="checkbox"/> ADMIN	<input type="checkbox"/> DOG <input type="checkbox"/> OPS <input type="checkbox"/> DSHS	<input type="checkbox"/> HD <input type="checkbox"/> JUV <input type="checkbox"/> MH
<input type="checkbox"/> TRAF <input type="checkbox"/> DET <input type="checkbox"/> PAT		<input type="checkbox"/> PROACT <input type="checkbox"/> Court <input type="checkbox"/> Other	Logged Date 8/25/09 Initials ay	
Entered RMS 8/25/09 Date 8/25/09 Initials ay		<input type="checkbox"/> Entered WAG/CNCIC Date / Initials /		

Snohomish County Supplemental Report Edmonds Police Department

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Incident Classification 1 THREATS		<input type="checkbox"/> Attempted	Offense Code	Incident Classification 2		<input type="checkbox"/> Attempted	Offense Code
Incident Classification 3		<input type="checkbox"/> Attempted	Offense Code	Type of Report			
Address/Location of Incident REDACTED Edmonds, WA 98020				Premise Type/Name		Code	
Officer Assault/Safety	Responding To	Type of Assignment		<input type="checkbox"/> Force <input type="checkbox"/> No Force	Reporting Area	Beat	
Occurred on or From (Date/Time/DOW) 08/23/2009 18:00 Sunday		Occurred To (Date/Time/DOW)		Reported On (Date/Time/DOW) 08/23/2009 18:18 Sunday			

Follow up: 02-05-10

On 02-03-10 at approximately 1048 hours REDACTED left me a voicemail message advising me that she had an incident with her son Ocean Shores on 01-31-10. Upon returning to work from my days off I returned her call on 02-05-10 at approximately 1910 hours. She was immediately unavailable but returned my call at approximately 1919 hours.

REDACTED is currently campaigning for an elected position in Washington State Legislature. REDACTED told me that she and her son were in Ocean Shores for a Republican Party convention. Her son was wearing a campaign hat with her name on it. An unknown female drove by in an unknown type vehicle threw applesauce onto her son and made a strange face. REDACTED reported this to the Ocean Shores PD Sergeant Luck under case #10OS-0495. REDACTED requested I obtain a copy of the Ocean Shores report to forward to her. I advised REDACTED that public disclosure laws prevent me from releasing another agency's report and that she would need to request the report directly from Ocean Shores PD. I also recommended that she request a copy of my original report from the Edmonds PD records section.

I further advised her that based on what she told me it did not seem that the two events were related. I based this belief on the fact that the suspect in this case was a male and the suspect in the Ocean Shores case was a female. Additionally the incidents occurred approximately six months apart and several hundred miles away. Further, I asked REDACTED if she had any suspicious incidents after the original report. She stated that nothing else had occurred since the original incident and even admitted that she did not believe the two events were related.

Information only at this time.

Officer Name/Number Mehl, Andrew #2601		Unit 2E7	Approved By Number 22-110	Date
Clearance <input type="checkbox"/> Att/A <input type="checkbox"/> Att/J <input type="checkbox"/> Insuff/Closed	<input type="checkbox"/> Unfounded <input type="checkbox"/> Excl/A <input type="checkbox"/> Excl/J <input type="checkbox"/> Closed/Other	Distribution <input type="checkbox"/> PA <input type="checkbox"/> ADMIN	<input type="checkbox"/> DOC <input type="checkbox"/> GPS <input type="checkbox"/> DSHS	<input type="checkbox"/> HD <input type="checkbox"/> JUV <input type="checkbox"/> MH
<input type="checkbox"/> TRAF <input type="checkbox"/> DET <input type="checkbox"/> PAT		<input type="checkbox"/> PROACT <input type="checkbox"/> Court <input type="checkbox"/> Other		Logged Date / Initials
Entered RMS 2/6/10 / SMO		<input type="checkbox"/> Entered WACIC/NCIC		<input type="checkbox"/> Entered WACIC/NCIC
Date	Initials	Date	Initials	Date

Case # 09-3179

EDMONDS POLICE DEPARTMENT

250 5TH AVENUE NORTH
EDMONDS, WA 98020

INCIDENT STATEMENT FORM

Name REDACTED REDACTED REDACTED Date of Birth 08/27/95
 Address REDACTED Edmonds 98020 Social Security # _____
 Res. Phone (425) REDACTED Work Phone () Other ()

The following is my voluntary statement regarding this police report:

A man, early thirties and high pitched, called at around 6:00 PM. He asked to talk to REDACTED, my mother. I said to wait a moment, my grandmother was also on the other line, and picked up and talked at the same time. After yelling for my mother, the phone went back up to my ear for a second and I heard "I am going to kill you and your family," then he hung up.

For Burglaries, Thefts, Vehicle Thefts, Runaway/Missing Persons and Found Property reports:

- ☐ I did not give anyone permission to enter my premises and/or take/remove my property/vehicle.
☐ I do ☐ do not accept liability for towing and storage of my vehicle. (Note: Some circumstances may require impound).
☐ The named juvenile is presently a runaway. ☐ The named person is presently missing.
 I have been advised of Chapter 63 of the RCW and ☐ I do ☐ I do not wish to claim the found property if the true owner cannot be located.

Making false reports to public officers:

A person commits the crime of making a false report if he/she willfully makes any untrue, misleading or exaggerated statement in any report to a Police or Fire Department. Making a false report is a misdemeanor.

I certify (or declare) under penalty of perjury, under the laws of the State of Washington, the above statement is true and correct.

Signature REDACTED Date 23/8/09 Location Edmonds

WITNESS: Signature Quill #2601 Date 08-23-09

Case # 029-3179

EDMONDS POLICE DEPARTMENT
250 5TH AVENUE NORTH
EDMONDS, WA 98020

INCIDENT STATEMENT FORM

Name REDACTED REDACTED Date of Birth 02/11/66
Last First Middle mm dd yy
 Address REDACTED St Edmonds WA 98020 Social Security # [REDACTED]
Number Street City St Zip
 Res. Phone (425) REDACTED Work Phone (206) REDACTED Other ()

The following is my voluntary statement regarding this police report:

My 13-year-old son answered the phone, told me it was for me and then listened as I was walking toward the phone. He said "Mom, you just got a death threat. He said, 'I will kill you and your family.'"

For Burglaries, Thefts, Vehicle Thefts, Runaway/Missing Persons and Found Property reports:

- ☒ I did not give anyone permission to enter my premises and/or take/remove my property/vehicle.
☐ I do ☐ do not accept liability for towing and storage of my vehicle. (Note: Some circumstances may require impound).
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I certify (or declare) under penalty of perjury, under the laws of the State of Washington, the above statement is true and correct.

Signature REDACTED Date 8/23/09 Location Edmonds

WITNESS: Signature [Signature] #2001 Date 08-23-09